

**FILED**UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

SEP 09 2019

## UNITED STATES DISTRICT COURT

for the

X  
MITCHELL R. ELFERS  
CLERKMICHAEL JAMES NISSEN  
Petitioner

v.

Case No. 19cv827 WJ-LF

(Supplied by Clerk of Court)

WARDEN JUDD  
UNITED STATES OF AMERICA

Respondent

(name of warden or authorized person having custody of petitioner)

## PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

## Personal Information

1. (a) Your full name: MICHAEL JAMES NISSEN  
(b) Other names you have used: N/A
2. Place of confinement:  
(a) Name of institution: CIBOLA COUNTY CORRECTIONS CENTER  
(b) Address: P.O. BOX, 3540  
MILAN, NEW MEXICO 87021  
(c) Your identification number: 02508151
3. Are you currently being held on orders by:  
 Federal authorities     State authorities     Other - explain:  
If you are currently serving a sentence, provide:
  - (a) Name and location of court that sentenced you: DISTRICT COURT OF NEW MEXICO  
333 LOMAS BLVD NW ALBUQ, NM 87102 (UNITED STATES DISTRICT COURT)
  - (b) Docket number of criminal case: 1:19-CR-00077-JB
  - (c) Date of sentencing: DATE NOT KNOWN
4. Are you currently:
  - A pretrial detainee (waiting for trial on criminal charges)
  - Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
 If you are currently serving a sentence, provide:
  - (a) Name and location of court that sentenced you: DISTRICT COURT OF NEW MEXICO  
333 LOMAS BLVD NW ALBUQ, NM 87102 (UNITED STATES DISTRICT COURT)
  - (b) Docket number of criminal case: 1:19-CR-00077-JB
  - (c) Date of sentencing: DATE NOT KNOWN

Being held on an immigration charge  
 Other (explain):

## Decision or Action You Are Challenging

5. What are you challenging in this petition:  
 How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

Pretrial detention Immigration detention Detainer The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines) Disciplinary proceedings Other (explain): **CHALLENGING THE CONSTITUTIONAL VALIDITY BEING A NON CITIZEN NATIONAL OF A FOREIGN STATE AND DOMICILED THEREIN. THE 5<sup>TH</sup>, 11<sup>TH</sup>, 14<sup>TH</sup>, 23<sup>RD</sup> AMENDMENTS**

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: **UNITED STATES DISTRICT COURT  
333 LOMAS BLVD NW, ALBUQUERQUE, NM 87102**(b) Docket number, case number, or opinion number: **1:19-CR-00077-JB**

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

**CHALLENGING THE CONSTITUTIONAL VALIDITY OF THE 5<sup>TH</sup>, 11<sup>TH</sup>, 14<sup>TH</sup>, 23<sup>RD</sup> AMENDMENTS BEING A NON CITIZEN NATIONAL OF A FOREIGN STATE AND DOMICILED THEREIN.**(d) Date of the decision or action: **09/03/2019****Your Earlier Challenges of the Decision or Action**7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

 Yes  No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not appeal: **POST TRIAL AWAITING  
P.S.R AND SENTENCING**8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

 Yes  No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not file a second appeal:

*POST TRIAL*

*AWAITING P.S.R AND SENTENCING*

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

Yes  No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not file a third appeal:

*POST TRIAL*

*AWAITING P.S.R AND SENTENCING*

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

Yes  No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

Yes  No

If "Yes," provide:

- (1) Name of court:
- (2) Case number:
- (3) Date of filing:
- (4) Result:
- (5) Date of result:
- (6) Issues raised:

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(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

Yes  No

If "Yes," provide:

- (1) Name of court:
- (2) Case number:
- (3) Date of filing:
- (4) Result:
- (5) Date of result:
- (6) Issues raised:

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(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence:

\_\_\_\_\_

\_\_\_\_\_

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## 11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

Yes  No

If "Yes," provide:

- (a) Date you were taken into immigration custody:
- (b) Date of the removal or reinstatement order:
- (c) Did you file an appeal with the Board of Immigration Appeals?

Yes  No

If "Yes," provide:

- (1) Date of filing:
- (2) Case number:
- (3) Result:
- (4) Date of result:
- (5) Issues raised:

(d) Did you appeal the decision to the United States Court of Appeals?

Yes  No

If "Yes," provide:

- (1) Name of court:
- (2) Date of filing:
- (3) Case number:
- (4) Result:
- (5) Date of result:
- (6) Issues raised:

## 12. Other appeals

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

Yes  No

If "Yes," provide:

- (a) Kind of petition, motion, or application:
- (b) Name of the authority, agency, or court:
  
- (c) Date of filing:
- (d) Docket number, case number, or opinion number:
- (e) Result:
- (f) Date of result:
- (g) Issues raised:

**Grounds for Your Challenge in This Petition**

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

**GROUND ONE: ARTICLE XI, CLEARLY STATES THE CONSTITUTION SUPERCEDES ALL LAW. PETITIONERS 1<sup>ST</sup>, 4<sup>TH</sup>, 5<sup>TH</sup>, 6<sup>TH</sup>, 11<sup>TH</sup>, 14<sup>TH</sup>, AND 23<sup>RD</sup> AMENDMENTS ALL VIOLATED AS A UNION STATE NON CITIZEN NATIONAL. 8 U.S.C. 1452, 8 U.S.C. 1101(a)(21)**

(a) Supporting facts (Be brief. Do not cite cases or law.):

**SUPPORTING FACTS MEMORANDUM ATTACHED**

(b) Did you present Ground One in all appeals that were available to you?

Yes  No

**GROUND TWO: 6<sup>TH</sup> AMENDMENT, INEFFECTIVE ASSISTANCE OF COUNSEL, DUE PROCESS, EQUAL RIGHTS OF PROTECTION.**

(a) Supporting facts (Be brief. Do not cite cases or law.):

**DEFENSE COUNSEL HAS BEEN REPORTED TO NEW MEXICO DISCIPLINARY BOARD FOR INEFFECTIVE ASSISTANCE OF COUNSEL.**

(b) Did you present Ground Two in all appeals that were available to you?

Yes  No

**GROUND THREE:**

(a) Supporting facts (Be brief. Do not cite cases or law.):

(b) Did you present Ground Three in all appeals that were available to you?

Yes  No

**GROUND FOUR:**

(a) Supporting facts (Be brief. Do not cite cases or law.):

(b) Did you present Ground Four in all appeals that were available to you?

Yes       No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

**Request for Relief**

15. State exactly what you want the court to do: **REVERSE AND REMAND CONVICTION  
DUE TO LACK OF JURISDICTION BY THE CONSTITUTION  
AND U.S.C. STATUTES.**

**Declaration Under Penalty Of Perjury**

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date:

*09/05/2019*

*michael j nisse*

*Signature of Petitioner*

*Signature of Attorney or other authorized person, if any*

## GROUND I

1  
2 COMES NOW, PLAINTIFF, MICHAEL J. NISSEN,  
3 (HEREINAFTER, PLAINTIFF) IN THE ABOVE  
4 ENTITLED ACTION. IN PLAINTIFFS OPENING  
5 STATEMENT, THE PLAINTIFF WILL EXPLAIN  
6 IN A SHORT MEMORANDUM THE FOLLOWING  
7 OF WHY THE UNITED STATES FEDERAL  
8 DISTRICT COURT OF NEW MEXICO, LACKS  
9 JURISDICTION BY WAY OF THE UNITED  
10 STATES CONSTITUTION TO LITIGATE, ADJUDICATE,  
11 OR CONVICT ANY NON CITIZEN NATIONAL,  
12 OR NON RESIDENT ALIEN OUTSIDE THEIR  
13 DEFACTO SOVEREIGN GOVERNMENT MONARCHY  
14 RULE OF ADMIRALITY, MARITIME, OR ENGLISH  
15 COMMON LAW. THE UNITED STATES, DISTRICT  
16 OF COLUMBIA, THE SEAT OF THE UNITED  
17 STATES FEDERAL GOVERNMENT IS A THREE  
18 FOREIGN NATION CORPORATION. THE THREE  
19 FOREIGN NATIONS ARE THE VATICAN, THE  
20 CITY OF LONDON, AND THE DISTRICT OF  
21 COLUMBIA IN WASHINGTON, D.C. IN THE  
22 IMMEDIATE AND ANTICIPATED FORTHCOMING,  
23 PLAINTIFF WILL LIST SUPPORTING FACTS  
24 IN THE FOLLOWING STATEMENT, HE THE  
25 PLAINTIFF, BEING A CITIZEN OF A  
26 FOREIGN STATE, NATIONALITY AND DOMICILED  
27 THEREIN, IS IN CUSTODY FOR AN ACT DONE  
28 OR OMITTED UNDER ANY ALLEGED RIGHT,

1  
2 TITLE, AUTHORITY, PRIVILEGE, PROTECTION,  
3 OR EXEMPTION CLAIMED UNDER THE  
4 COMMISSION ORDER OR SANCTION OF ANY  
5 FOREIGN STATE, OR UNDER COLOR THEREOF.  
6 THE VALIDITY AND EFFECT OF WHICH  
7 DEPENDS UPON THE LAWS OF NATION, THE  
8 UNITED STATES OF AMERICA CONSTITUTION  
9 IS THE SUPREME LAW OF THE LAND OF  
10 WHICH PLAINTIFFS FEET STAND ON.  
11 THE UNITED STATES CONSTITUTION SUPERCEDES  
12 ALL UNCONSTITUTIONAL STATUTES, WHETHER  
13 IT BE POLITICAL/STATUTORY OF THE UNION  
14 STATES, OR LEGISLATIVE/STATUTORY OF A  
15 DEFACTO UNITED STATES FEDERAL GOVERNMENT  
16 CORPORATION.  
17 NATIONALITY AND DOMICILE OF THE  
18 PLAINTIFF, ALL FIFTY FOUR YEARS SINCE  
19 BIRTH, IS THAT OF THE NEW MEXICO REPUBLIC,  
20 A UNION STATE OF THE FIFTY COLLECTIVE  
21 UNION STATES. THE PLAINTIFFS AND THE  
22 PEOPLE OF THE STATE HAVE THE SOLE AND  
23 EXCLUSIVE RIGHT TO GOVERN THEMSELVES  
24 AS A FREE, SOVEREIGN AND INDEPENDANT  
25 STATE. ALL NON CITIZEN NATIONALS OF  
26 THE REPUBLIC UNION STATE OF NEW MEXICO  
27 ARE BORN EQUALLY FREE, AND HAVE CERTAIN  
28 NATURAL, INHERENT AND INALIENABLE

1  
2 RIGHTS, AMONG WHICH ARE THE RIGHTS OF  
3 ENJOYING AND DEFENDING LIFE, LIBERTY,  
4 OF ACQUIRING, POSSESSING AND PROTECTING  
5 PROPERTY, AND OF SEEKING AND OBTAINING  
6 SAFETY AND HAPPINESS. IN CLOSING,  
7 PLAINTIFF HAS NO CONTACTS WITH THE  
8 UNITED STATES FEDERAL GOVERNMENT,  
9 IS NOT IN FEDERAL POSSESSION, AND IS  
10 NOT DOMICILED ON FEDERAL TERRITORY.

11 WHEREFORE, THE PLAINTIFF  
12 SEEKS THAT THE HONORABLE COURT OF THE  
13 UNITED STATES DISTRICT COURT REVERSES  
14 AND REMANDS THE RECENT ADJUDICATION  
15 OF PLAINTIFF FOR LACK OF JURISDICTION  
16 OVER A NON CITIZEN NATIONAL OF THE  
17 REPUBLIC UNION STATE OF NEW MEXICO.  
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RESPECTFULLY SUBMITTED

Michael J. Nissen

MICHAEL J. NISSEN

## GROUND TWO

1 COMES NOW, MICHAEL J. NISSEN, DEFENDANT / CLIENT IN  
 2 THE ABOVE ENTITLED ACTION (HEREIN AFTER, DEFENDANT / CLIENT).  
 3 TO WRITE ABOUT THE AFFIRMATIVE EGREGIOUS MALFEASIONS  
 4 MALICIOUS LEGAL MALPRACTICE OF KEN GLERIA AND  
 5 ASSOCIATES. A.B.A'S MODEL RULES OF PROFESSIONAL  
 6 ETHICS CONDUCT ADMINISTERED THROUGHOUT THEIR  
 7 FOUR MONTHS OF AN CONTRACTUAL AGREEMENT THAT  
 8 WAS SIGNED AFTER THE DEFENDANT AND KEN GLERIA  
 9 AND ASSOCIATES VERBALLY AGREED TO THE FACTS THAT  
 10 THIS WAS A DEFENSIBLE CASE. KEN GLERIA AND  
 11 ASSOCIATES CAME TO CIBOLA COUNTY CORRECTIONS CENTER  
 12 ON A \$500.00 DOLLAR ONE DAY TRIP TO DISCUSS THE CASE  
 13 AND PUT FORTH THEIR PROFESSIONAL KNOWLEDGE AND  
 14 DISCUSSION ON SAID CASE WITH THE FACTS PRESENTED  
 15 TO KEN GLERIA AND ASSOCIATES FROM THE UNITED  
 16 STATES ASSISTANT DISTRICT PROSECUTORS DISCOVERY  
 17 FILE. UPON AGREEMENT FROM MICHAEL J. NISSEN AND  
 18 KEN GLERIA AND ASSOCIATES, A CONTRACT WAS THEN  
 19 SIGNED FOR KEN GLERIA AND ASSOCIATES TO BE LEGAL  
 20 ASSISTANCE IN THE DEFENDANT'S DEFENSE UNDER THE  
 21 SIXTH CONSTITUTIONAL AMENDMENT. KEN GLERIA AND  
 22 ASSOCIATES PRACTICING LAWYERS SHALL PROVIDE  
 23 COMPETENT REPRESENTATION FOR THE CLIENT.  
 24 COMPETENT REPRESENTATION REQUIRES THE LEGAL  
 25 KNOWLEDGE, SKILL, THOROUGH AND PREPARATION  
 26 REASONABLY NECESSARY FOR THE REPRESENTATION.  
 27 [SMITH V. LEWIS, 13 CAL. 3D 349.]. ISSUES RELATING  
 28 TO THE COMPETENCY OF LEGAL RESEARCH ARE ALSO

1 RAISED IN CLAIMS FOR MALICIOUS LEGAL MALPRACTICE  
2 OF DEFENSE COUNSEL, AND IN CLAIMED VIOLATIONS  
3 OF THE SIXTH CONSTITUTIONAL AMENDMENT RIGHTS  
4 TO EFFECTIVE ASSISTANCE OF COUNSEL.  
5 [PEOPLE V. LEWIS, 13 CAL. 3D 349], THE KNOWLEDGE  
6 AND ABILITY TO USE FUNDAMENTAL LEGAL RESEARCH  
7 TOOLS AND TO IMPLEMENT AN EFFECTIVE AND EFFICIENT  
8 RESEARCH PLAN MUST BECOME PART AND PARCEL OF  
9 EVERY LAWYER'S TRAINING IF SHE OR HE IS TO  
10 PROVIDE COMPETENT REPRESENTATION AND UPHOLD THE  
11 STANDARDS OF THE LEGAL PROFESSION. KEN GLERIA  
12 AND ASSOCIATES GUARANTEED DEFENDANT AMPLE  
13 TIME TO PREPARE FOR DEFENSE OF CASE, KNOWING  
14 THAT CLIENT WAS IN FEDERAL UNITED STATES  
15 MARSHALS CUSTODY COURT ORDERED INCARCERATION.  
16 THE DEFENDANT BEING INCARCERATED COULD NOT LEAVE  
17 THE INSTITUTION FOR ANY REASONS. THE GUARANTEE  
18 WAS THAT KEN GLERIA AND ASSOCIATES COULD AND WOULD  
19 PROVIDE AMPLE TIME TO COME AND PREPARE FOR THE  
20 CASE TO BE TRIED IN COURT OF A NOT GUILTY PLEA.  
21 HOWEVER THE TIME GUARANTEED TO BE AN EFFECTIVE  
22 ASSISTANCE OF COUNSEL NEVER TRANSPRIRED OR  
23 MATERIALIZED, WHICH CAN BE BROUGHT FORTH AND  
24 SEEN BY THE LACK OF APPOINTMENT THAT HAVE TO  
25 BE ARRANGED FOR INADVANCE NOTICE PER CORE  
26 CIVIC CORRECTIONS CENTER RULES AND REGULATIONS  
27 FOR LAWYER/CLIENT VISITS. THE LACK OF TIME TO  
28 PREPARE AND INSTRUCTIONS FROM CLIENT IN

1 PRESENTATION OF DEFENSE IS WHY THIS LETTER IS BEING  
2 WRITTEN AND SENT TO THE NEW MEXICO DISCIPLINARY  
3 BOARD FOR A VARIETY OF REASONS THAT WILL BE  
4 LISTED FORTHCOMING, THIS IS A CONSTITUTIONAL  
5 FIFTH, SIXTH, EIGHTH, AND FOURTEENTH AMENDMENT  
6 VIOLATION OF DUE PROCESS OF LAW, AND EQUAL RIGHTS  
7 OF PROTECTION. KEN GLERIA AND ASSOCIATES LACK  
8 OF SAID AMPLE TIME TO PREPARE FOR TRIAL OF AN  
9 EFFECTIVE EFFICIENT AND SUFFICIENT COLLATERAL  
10 ATTACK OF WITNESSES, DOCUMENTS, FILMS, OR OF  
11 THE REST OF EVIDENCE PROVIDED BY THE UNITED  
12 STATES ASSISTANT PROSECUTORS DISCOVERY FILE  
13 NEVER MATERIALIZED. THE DEFENDANT WAS NEVER  
14 NOTIFIED OF THE EVIDENTIARY HEARING, WHICH  
15 IS A VERY IMPORTANT PART OF THE DUE PROCESS OF LAW,  
16 AND EQUAL RIGHTS OF PROTECTION GUARANTEED BY  
17 THE CONSTITUTION. THE EVIDENCE IN THE UNITED  
18 STATES DISTRICT PROSECUTORS DISCOVERY IS CONTRA-  
19 DICTING TO ITSELF AND SHOWS PERJURY OF  
20 TESTIMONY OF UNITED STATES DISTRICT PROSECUTORS  
21 WITNESSES THAT DEFENSE COUNSEL NEVER PRESENTED  
22 OR REBUTTED AT ANY POINT OF THE PROCEEDINGS.  
23 WHICH WAS VERY PERTINENT TO THE EVIDENCE THAT  
24 THE UNITED STATES DISTRICT PROSECUTOR BRANG  
25 FORWARD IN SUPPORT OF GOVERNMENT PROSECUTION  
26 OF DEFENDANT. THE FALLACIOUS ACTIONS AND LACK  
27 OF DUE PROCESS OF LAW, ALONG WITH GROTESQUE ACTIONS  
28 OF DEFENSE COUNSEL IS ENOUGH PROOF TO SHOW

1 AN INCOMPETENT SERIOUS VIOLATION OF THE A.B.A'S  
2 MODEL RULES OF PROFESSIONAL ETHICS CONDUCT OF  
3 KEN GLERIA AND ASSOCIATES.  
4 AT THE HEARING FOR PRESENTATION OF  
5 COMPETENCY TO STAND TRIAL FOR DEFENDANT, THE  
6 PROSECUTION AND DEFENSE LAWYER'S KEN GLERIA AND  
7 ASSOCIATES USED A COURT APPOINTED PHYSIATRIST  
8 REPORT FROM PHD, DR. MERCEDES MARSHAL WHICH  
9 NEVER HAPPENED. THE REPORT PRESENTED BY THE  
10 UNITED STATES DISTRICT PROSECUTOR, WAS A  
11 VEXATIOUS FRAUDULENT REPORT SENT BY PHD, DR.  
12 MERCEDES MARSHAL. BOTH TIMES PHD, DR. MERCEDES  
13 MARSHAL CAME TO CORE CIVIC CORRECTIONS CENTER  
14 SHE WAS DENIED CONSENT BY DEFENDANT AND  
15 SENT BACK EMPTY HANDED. DEFENDANT REFUSED  
16 INTERVIEW BOTH TIMES IN THE MONTH OF  
17 FEBURARY, 2019. ONE MORE NOTE OF CONCERN, ABOUT  
18 PHD, DR. MERCEDES MARSHAL, LAST TIME DEFENDANT  
19 CHECKED "HIPAA" WAS PROTECTED BY THE PATIENT  
20 CONFIDENTIALITY ACT, OR THE PATIENT INFORMATION  
21 ACT. EITHER, OR, PHD, DR. MERCEDES MARSHAL,  
22 PROSECUTION, KEN GLERIA AND ASSOCIATES VIOLATED  
23 DUE PROCESS OF LAW, AND EQUAL RIGHTS OF PROTECTION  
24 GUARANTEED BY THE CONSTITUTION. HOWEVER THE  
25 ONLY COLLATERAL ATTACK PRESENTED BY KEN  
26 GLERIA AND ASSOCIATES WAS CROSS EXAMINING OF  
27 THE UNITED STATES DISTRICT PROSECUTION WITNESSES  
28 WHICH, AS PREVIOUSLY STATED, THE DEFENDANT DISAGREED

1 WITH AS DEFENSE COUNSEL DISREGARDED PREVIOUS  
2 INSTRUCTIONS ON PRESENTING PHYSICAL EVIDENCE  
3 AGAINST WITNESSES TO THE COURT AND JURY FOR  
4 AN EFFECTIVE AND EFFICIENT COLLATERAL ATTACK  
5 IN DEFENDANTS FAVOR. DURING PRE TRIAL HEARINGS  
6 THE COURT AND AUTHORITIES, PROSECUTION, DEFENSE  
7 COUNSEL AND YOUR HONORABLE JUDGE JAMES O'  
8 BROWNING CAME TO THE CONCLUSION TO HAVE  
9 DEFENDANT SHACKLED AT THE LOWER LEGS WITH  
10 TAPE ON THE CHAIN. SO IF DEFENDANT MOVED  
11 DURING THE VOIR DIRE SELECTION OR JURY TRIAL,  
12 THE JURY TRIAL WOULD NOT HEAR THE SHACKLES RATTLE  
13 OR CLANG, THE COURT ALSO RECOMMENDED AN  
14 ELECTRONIC CONTROLLED GADGET CALLED "THE BANDIT"  
15 THAT GOES UP AROUND THE MALE WAIST AND  
16 CONNECTS TO THE MALE GENITALIA'S THAT DELIVERS  
17 AN EXTREMELY PAINFUL EXCRUICATING SHOCK TO THE  
18 SCROTUM OF A MAN. WHY SUCH A ELECTRONIC DEVICE  
19 IS NEEDED WHILE TWO SUITED AND ARMED UNITED  
20 STATES MARSHALS WERE PRESENT FOR PROTECTION  
21 OF THE COURT IS BEYOND THE DEFENDANTS THINKING.  
22 DEFENDANT DEFINITELY DID NOT CONSENT TO SUCH  
23 AN INHUMANE DEVICE TO BE WORN. THAT IS CRUEL  
24 AND UNUSUAL PUNISHMENT AND A HEDIOUS FORM  
25 OF TORTURE PROTECTED BY THE EIGHTH CONSTITUTIONAL  
26 AMENDMENT AND DUE PROCESS OF LAW, AND EQUAL  
27 RIGHTS OF PROTECTION. HOWEVER THE HONORABLE  
28 JUDGE JAMES O' BROWNING ORDERED THAT DEFENDANT

1 BE SHACKLED AT THE LOWER LEGS. BOTH THE  
2 PROSECUTION AND DEFENSE COUNSEL TABLES WERE  
3 DRAPED BY BLACK CURTAINS SO VOIR DIRE SELECTION  
4 AND JURY TRIAL COULD NOT SEE LOWER LEG  
5 SHACKLES ON DEFENDANT WHO WAS ORDERED TO  
6 KEEP LEGS UNDER TABLE. THE HONORABLE JUDGE  
7 JAMES O' BROWNING ALSO ORDERED THE PROSECUTION,  
8 DEFENSE COUNSEL, COURT CLERKS, AND DEFENDANT  
9 NOT TO STAND AT ANY TIME DURING JUDGES  
10 OR VOIR DIRE, JURY TRIAL ENTERING COURTROOM  
11 VENUE. THIS IS A SERIOUS UNLAWFUL DUE  
12 PROCESS OF LAW, AND EQUAL RIGHTS OF PROTECTION  
13 WHICH IS AFFIRMATIVE THROUGH TRANSCRIPTS  
14 OF COMPLETE PROCEEDINGS. THE MERE FACT THAT  
15 PROSECUTION, DEFENSE COUNSEL, COURT CLERKS  
16 AND DEFENDANT NOT STANDING IS A PREJUDICIAL  
17 ACTION THAT IN THE EYES OF VOIR DIRE AND  
18 JURY TRIAL IS A NEGATIVE ILLUSION CREATED  
19 BY THE ABUSE OF ARBITRARY POWER OF YOUR  
20 HONORABLE JUDGE JAMES O' BROWNING, AND  
21 DEFENDANT'S DEFENSE COUNSEL FOR NOT REBUTTING  
22 OR OBJECTING TO SAID TREATMENT IN PRE TRIAL  
23 HEARINGS OR TRIAL IS A VERY SERIOUS MATTER  
24 FOR THE NEW MEXICO DISCIPLINARY BOARD TO  
25 CONSIDER.

26 ONE MORE ITEM OF CONCERN WAS CELL  
27 PHONES. THE GENERAL PUBLIC THAT CAME TO VIEW  
28 THE PROCESS OF LAW HAD TO CHECK IN THEIR

1 CELL PHONES AT A CHECK POINT OUTSIDE THE  
2 COURTROOM. WHY WAS THE PROSECUTION,  
3 DEFENSE COUNSEL, FBI, NEW MEXICO STATE  
4 POLICE, AND JURY TRIAL OF FOURTEEN PEOPLE  
5 ALLOWED TO HAVE AND USE THEIR  
6 CELL PHONES AS THE JUDGE SAID NO USE  
7 OF CELL PHONES ALLOWED AT JURY TRIAL?  
8 THE DEFENDANT WATCHED THE PROSECUTION,  
9 DEFENSE COUNSEL, FBI, NEW MEXICO STATE  
10 POLICE AND JURY TRIAL USE THEIR CELL  
11 PHONES AFTER STRICT ORDERS FROM THE  
12 JURY TRIAL JUDGE EXPLICITLY ORDER  
13 ALL CELL PHONES NOT TO BE USED.  
14 DEFENDANT'S MAIN CONCERN HERE IS, IF  
15 CELL PHONES WERE USED AND THEY WERE,  
16 HOW DID THE VERDICT GET TAINTED?  
17 DUE PROCESS OF LAW, AND EQUAL RIGHTS  
18 OF PROTECTION VIOLATED AGAIN.

19 DEFENDANT TERMINATED KEN GLERIA  
20 AND ASSOCIATES IMMEDIATELY FOLLOWING  
21 TRIAL BEFORE COMPLETION OF CONTRACTUAL  
22 AGREEMENT, DUE TO BLANTEN AND SHAMEFUL  
23 INEFFECTIVE ASSISTANCE OF COUNSEL AND DUE  
24 PROCESS OF LAW, AND EQUAL RIGHTS OF PROTECTION  
25 THROUGHOUT THE ENTIRE CONTRACTUAL SIGNING  
26 OF AGREEMENT. DEFENDANT ASKS THE NEW  
27 MEXICO DISCIPLINARY BOARD TO REVIEW  
28 THESE HEINOUS AFFIRMATIVELY ILLEGAL

1 ACTIONS OF ALL INVOLVED, DEFENDANT ALSO PAID  
2 \$35,059 FOR THE SERVICES OF KEN GLERIA AND  
3 ASSOCIATES, AS DESCRIBED IN THIS MEMORANDUM,  
4 THE DEFENDANT SEEKS A REFUND IN THE  
5 AMOUNT OF \$35,057 (SIC). THE REMAINING  
6 BALANCE TO BE ISSUED FOR SERVICE RENDERED,  
7 DEFENDANT ALSO ASK FOR THE NEW MEXICO DISCIPLINARY  
8 BOARD TO CONSIDER PLACING SANCTIONS UPON  
9 KEN GLERIA AND ASSOCIATES FOR A COMPLETE  
10 GROSS NEGLECT OF THE A.B.A'S MODEL RULES  
11 OF PROFESSIONAL ETHICS CONDUCT IN THE  
12 CASE OF DEFENDANT, MICHAEL J. NISSEN.

13 I LOOK FOWARD TO AND ANTICIPATE  
14 A PROMPT AND TIMELY RESPONSE TO THIS  
15 SERIOUS VIOLATION OF THE CONSTITUTION  
16 OF THE UNITED STATES OF AMERICA. MAY  
17 GOD BLESS AMERICA.

18

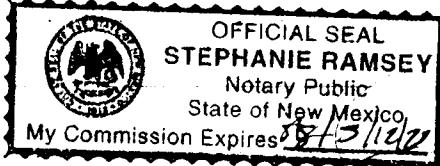
19

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DATE: 08/26/2019

RESPECTFULLY, UNION STATE  
NON CITIZEN NATIONAL,  
Michael J. Nis

21  
22 MICHAEL J. NISSEN  
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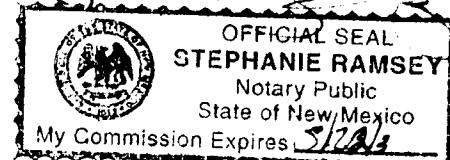
ATTORNEY OR DEFENDANT WITHOUT ATTORNEY (NAME, ADDRESS)	RESERVED FOR CLERKS FILE STAMP
MICHAEL J. NISSEN REGISTER NO: 02508151 P.O. BOX, 3540 MILAN, NEW MEXICO 87021	
UNITED STATES DISTRICT COURT 333 LOMAS BLVD NW ALBUQUERQUE, NEW MEXICO 87102	
DEFENDANT: MICHAEL J. NISSEN 03/08/1965	
PROOF OF SERVICE BY MAIL	

- 1) I AM OVER THE AGE OF 18 AND NOT A PARTY TO THIS ACTION.
- 2) I SERVED THE FOLLOWING: 28 U.S.C. § 2241 HABEAS CORPUS
- 3) I SERVED A COPY OF THE DOCUMENTS ON 09/05/2019 AS FOLLOW  
 BY MAIL; I SERVED THE DOCUMENTS BY ENCLOSING THEM IN AN ENVELOPE AND DEPOSITING THE SEALED ENVELOPE WITH THE UNITED STATES POSTAL SERVICE WITH THE POSTAGE FULL-PREPARED TO THE ADDRESS SHOWN BELOW:

UNITED STATES DISTRICT COURT  
333 LOMAS BLVD NW  
ALBUQUERQUE, NEW MEXICO 87102

- 4) I AM:
- NOT A REGISTERED NEW MEXICO PROCESS SERVER.
- 5) MY NAME, ADDRESS, TELEPHONE NUMBER

PAUL G. CARRILLO, JR.  
6503 KARLSON DR. N.E.  
ALBUQUERQUE, N.M. 87113

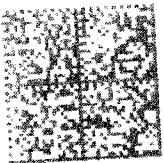


- 6) I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF NEW MEXICO THAT THE FOREGOING IS TRUE AND CORRECT: DATE: 09/05/2019

PAUL G. CARRILLO, JR.  
(TYPE OR PRINT NAME OF PERSON  
WHO SERVED THE PAPERS)

(SIGNATURE OF PERSON WHO  
SERVED THE PAPERS)

PROOF OF SERVICE - RV MATI



**RECEIVED**

UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

SEP 09 2019

MITCHELL R. ELFERS  
CLERK

UNITED STATES DISTRICT COURT  
333 LOMAS BLVD NW  
ALBUQUERQUE, NM 87102

A large, handwritten signature in black ink, appearing to read "M. R. Elfers", is written over the printed address.

RECEIVED  
MICHAEL NISSEN  
02508151  
REGISTER NO:  
[REDACTED]  
P. O. BOX 3540  
MILAN, NM 87021